

FILED
Clerk
District Court

APR 18 2008

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For The Northern Mariana Islands
By _____
(Deputy Clerk)

5 For Pelisamen

6
7 UNITED STATES DISTRICT COURT
8 FOR THE
9 NORTHERN MARIANA ISLANDS

10 UNITED STATES OF AMERICA,) Criminal Case No.: 08-00001
11 Plaintiff,)
12 vs.) MOTION TO CONTINUE TRIAL DATE
13 ARRIOLA, JOSEPH ALDAN and) REQUEST FOR EXTENSION OF TIME
14 PELISAMEN, LUIS KAIPAT,) TO FILE THIS MOTION NOT IN
15 Defendant) COMPLIANCE WITH LCrR 12.1.
16 _____)
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COMES NOW, Loren A. Sutton, appointed counsel for Luis Kaipat Pelisamen, and moves the Court to grant an extension of time to file this Motion past the 14 day limit contained in LCrR 12.1 and to continue the trial now set for May 5, 2008, at 9:00 a.m. to a date after July 15, 2008, for the following reasons:

The basic decision to be made by any Defendant, after consultation with Counsel, is whether to strike a deal with the Prosecution and plead guilty or go to trial. In order to make

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1 this decision based upon counsel's advice, the defendant must be
2 privy to counsel's reasoning regarding which alternative will
3 serve his best interest. Counsel, therefore must be totally
4 immersed in the facts and law of the case in order to make an
5 informed decision and properly advise the Client. In this matter
6 there are over 200 documentary exhibits many of which are
7 checks. Both Defendants have denied that the signature on some
8 of the checks is theirs and a motion will soon be before the
9 court requesting the appointment and funding of an expert
10 handwriting examiner in order to determine the validity of said
11 signatures.

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13 In addition, Counsel must go through five thick files at the
14 Superior Court Clerk's Office of the Kaipat Probate case in
15 order to determine which of the disbursements of estate funds
16 were approved by the Superior Court Judge presiding over the
17 probate matter and which, if any, were not.

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19 Finally, Counsel for Defendant has begun the process of
20 arranging to have surgery in order to replace both knees which
21 have become non-functional due to loss of all cartilage and
22 Arthritis. Counsel has not yet received the go ahead from the
23 Medical Referral Office but the surgeon in Honolulu, Dr. Thomas

1 Kane III, has indicated that his schedule will allow him to do
2 the surgery sometime in June 2008. In the event that there will
3 be a trial in this matter, and to be safe time-wise, Counsel
4 requests that such trial be put over until mid or late July to
5 allow time for complete review of the case and for the planned
6 knee surgery and rehabilitation.
7

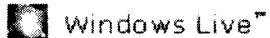
8 USAA Eric O'Malley is off-island however I have contacted
9 him by email and he has responded that he has no objection to
10 the requested continuance of the trial date (e-mail attached).
11 He has also indicated a desire to discuss the appointment of a
12 handwriting expert when he returns on April 22, 2008. I will
13 delay filing that request until he returns in the hope that
14 perhaps he will act to have an FBI expert accomplish that task.
15

16 Respectfully submitted on this 18th day of April 2008.
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18 
19 LOREN A. SUTTON (F0179)
20 Counsel for Pelisamen
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Windows Live Hotmail Print Message

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**Re: Peliseman**

From: **Eric O'Malley** (omalleye1@yahoo.com)
Sent: Thu 4/17/08 5:28 AM
To: Loren Sutton (lorensutton@hotmail.com)

Hi Loren,

No objection to the extension. We can talk about HW expert when I return to the office on the 22nd. Hope all is well with you.

Regards,

Eric

--- Loren Sutton <lorensutton@hotmail.com> wrote:

> Eric,
> filing a motion for court to pay for handwriting
> expert. filed ex parte but will attach to this. Also
> a Motion to continue the trial to a date in late
> July. Motion is self explan. If you have no
> objection please email me that effect and i can
> attach your email to my motion.
> thanks,
> Loren
>

> Connect to the next generation of MSN Messenger

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<http://imagine-msn.com/messenger/launch80/default.aspx?locale=en-us&source=wlmaitagline>

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